

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MICHIGAN

In Re:

JOAQUIN ESTRADA
LETICIA ESTRADA

Debtors.

/

Case No. GG 19-04984
Chapter 13
Hon. John T. Gregg
Filed: November 29, 2019
Confirmed: April 3, 2020

NOTICE OF PROOF OF INSURANCE
WITH REGARD TO THE AFFIDAVIT OF DEFAULT (DKT 64 - 7/7/2021)

Joaquin Estrada and Leticia Estrada, Debtors, through their attorney, Martin L. Rogalski, P.C., hereby notify the interested parties that there indeed is current homeowners' insurance on the Debtors' real property commonly known as 189 W. 17th Street, Holland, MI 49423. The current policy is in effect from April 2, 2021 through April 1, 2022.

Further, this notice is being filed pursuant to the following facts:

1. Joaquin and Leticia Estrada (Debtors) filed a Chapter 13 bankruptcy proceeding on November 29, 2019.
2. The U.S. Bank Trust National Association filed an objection to the Chapter 13 Plan of the Debtors.
3. The Objection of U.S. Bank Trust National Association was settled pursuant to a Stipulation Modifying the Automatic Stay, docket #39, filed on March 31, 2020. The Chapter 13 Plan was accordingly confirmed on April 3, 2020.
4. Pursuant to a pertinent paragraph 4 of the Stipulation,

In the event Debtor fails to provide proof of insurance on the subject property, Creditor may file a Notice of Default with a 10 day cure period and in the event the Debtor fails to provide proof of insurance as required, Creditor may submit to the Court for entry an order vacating the automatic stay and co-debtor stay, as applicable, no further notice, hearing or motion being required;

5. An Affidavit of Default was filed by U.S. Bank Trust National Association, docket 64, on July 7, 2021. The Affidavit stated that

[T]he Debtors have failed to provide proof of insurance as agreed to between Debtors and Creditor per the Order Modifying the Automatic Stay, Modifying the Chapter 13 Plan and Resolving Creditor CSMC 2018-RPL2 Trust's Objection to Confirmation entered in this Bankruptcy Case on March 31, 2020, and therefore, are now in default of the terms thereof.

The Certificate of Service contained in the filing of the Affidavit, states that the Affidavit of Default was served upon interested parties on July 7, 2021.

6. The Debtors' attorney contacted the insurance company directly and received a copy of the Declaration Pages for the homestead property insurance. The declarations pages were forwarded to the attorney for the creditor @ bankruptcy@sottileandbarile.com, at 12:44 pm, this date.
7. As stated above, the Affidavit of Default was filed on July 7, 2021. It is therefore understood that the Creditor is allowed to request an order after July 17, 2021. It is the opinion of the Debtors that no Order Granting Motion for Relief From Automatic Stay should have been entered prior to July 18, 2021.
8. The Debtors have cured the default.
9. The insurance company has been sending the notices of insurance to SN Servicing Corporation, ISAOA ATIMA, PO Box 35, Eureka, CA 95502-0035. The insurance company has been provided with the Noticing address for the Mortgagee found on Docket 62, namely the Transfer of Claim Other Than for Security. That address is c/o SN Servicing Corporation, 323 Fifth Street, Eureka, CA 95501.

Dated: July 8, 2021

/s/ Martin L. Rogalski
Martin L. Rogalski (P30548)
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